

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

MICROUNITY SYSTEMS ENGINEERING,
INC., a California corporation,

Plaintiff,

v.

APPLE, INC., *et al.*

Defendants.

§
§
§
§
§
§
§
§

Civil Action No. 2:11-cv-00052
TJW-CE

NOTICE OF NONSUIT

Pursuant to Fed. R. Civ. P. 41(a)(1)(i), MicroUnity Systems Engineering, Inc., plaintiff, hereby gives notice to this Court and to all parties to this suit that it is taking a nonsuit of its entire case in this matter against all defendants effective immediately on the filing of this notice on this 24th day of May, 2011. This lawsuit was filed on January 27, 2011. No defendants have yet been served, and no defendants have served an answer or motion for summary judgment. The Clerk of the Court shall tax court costs against the dismissing party. This voluntary nonsuit is without prejudice to refiling.

This notice is not intended to affect any other litigation filed by MicroUnity pending in this Court (*e.g.*, (1) Civil Action 2:10-cv-00091, and (2) Civil Action 2:10-cv-00185).

Respectfully Submitted,

/s/ Joseph S. Grinstein
Stephen D. Susman, Attorney-in-Charge
State Bar No. 1952100
ssusman@susmangodfrey.com
Max L. Tribble, Jr.
State Bar No. 20213950
mtribble@susmangodfrey.com

Joseph S. Grinstein
State Bar No. 24002188
jgrinstein@susmangodfrey.com
SUSMAN GODFREY L.L.P.
1000 Louisiana Street, Suite 5100
Houston, Texas 77002
Telephone: (713) 651-9366
Facsimile: (713) 654-6666

Sidney Calvin Capshaw
State Bar No. 03783900
ccapshaw@capshawlaw.com
CAPSHAW DERIEUX, L.L.P.
1127 Judson Rd - Ste 220
PO Box 3999
Longview, TX 75601-5157
(903) 236-9800
Fax: (903) 236-8787

Otis W. Carroll
State Bar No.00794219
nancy@icklawn.com
IRELAND, CARROLL & KELLEY, P.C.
6101 South Broadway, Suite 500
Tyler, TX 75703
Telephone: (903) 561-1600
Facsimile: (903) 581-1071

Michael F. Heim
State Bar No. 09380923
mheim@hpcllp.com
HEIM, PAYNE & CHORUSH, L.L.P.
600 Travis, Suite 6710
Houston, Texas 77002
Telephone: (713) 221-2000
Facsimile: (713) 221-2021

Douglas R. Wilson
State Bar No. 24037719
dwilson@hpcllp.com
HEIM, PAYNE & CHORUSH, L.L.P.
9442 Capital of Texas Hwy.
Plaza I, Suite 500-146
Austin, Texas 78759

Telephone: (512) 343-3622
Facsimile: (512) 345-2924

George M. Schwab
State Bar No. 58250 (CA)
gschwab@gmspatent.com
LAW OFFICES OF GEORGE M. SCHWAB
San Francisco, CA 94104
Telephone: (415) 889-5210

Attorneys for MICROUNITY SYSTEMS
ENGINEERING, INC.

CERTIFICATE OF SERVICE

I hereby certify that on May 24, 2011, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, using the electronic filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Joseph S. Grinstein
Joseph S. Grinstein